

News from Ed Markey

United States Congress

Massachusetts Seventh District

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MARKEY HAILS PRESIDENT'S SIGNING OF CAN SPAM ACT

Markey Provision to Stop Spamming on Cell Phones Added to Bill

WASHINGTON, D.C. – Representative Edward J. Markey (D-MA), the ranking Democrat on the House Subcommittee on Telecommunications and Internet, applauded the President's signing of the CAN-SPAM Act of 2003, S. 877 into law today. This bill, which includes a provision from Rep. Markey to thwart the ability of marketers to send Spam messages directly to consumers on their cell phones and other wireless devices, punishes deceptive marketing practices in e-mail and authorizes the creation of a national do-not-spam registry.

Rep. Markey stated, "Spam to a desktop computer is bad enough, but at least a consumer can turn off their computer and walk away. Wireless spam received over your mobile phone follows you wherever you go. This bill will, for the first time, reach this rising menace."

"Unsolicited wireless text messages have plagued wireless users in Europe, South Korea, and Japan over the last few years as wireless companies in such countries have offered wireless messaging services," Rep. Markey continued. "In Japan alone, NTT DoCoMo estimates that its wireless network processes some 800 million wireless spam messages a day."

The CAN-SPAM Act of 2003:

- Requires the FCC to promulgate rules in order to put strong consumer protections on the books.
- Requires the FCC to consider certain provisions with an eye toward assessing the unique capabilities or limitations of wireless devices.
- Will allow the FCC to promulgate rules requiring a consumer "opt-in" for wireless email messages while examining the nature of a consumer's relationship with their wireless phone and service, and to take into account the unique service and technical characteristics that may warrant wireless-specific rules affecting consumer and carrier rights and obligations.
- The wireless spam provision would also require "express prior authorization" from the consumer before an entity could send spam to their wireless device.

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